# TABLE SHOWING THE

# EFFECT OF LEGISLATION

BY

# BOMBAY ACTS

## IN THE YEAR 1906.

*Repeals and Amendments effected by Bombay Acts, 1906.*

| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| Serial No. | Enactments affected. | Repeals. | Amendments. | Repealing or Amending Act. |
| 1 | Bombay Act XII of 1866. | ..... | For section 1 the following sections are substituted :<br>"1. There shall be for the Province of Sind a Court of the Judicial Commissioner of Sind (hereinafter called the Court of the Judicial Commissioner) which shall be the highest Court of Appeal in civil and criminal matters in the said Province and which shall be the District Court and Court of Session of Karáchi. The Court of the Judicial Commissioner shall consist of three or, with the sanction of the Government of India, more Judges, one of whom shall be the Judicial Commissioner of Sind (hereinafter called the Judicial Commissioner) and the others Additional Judicial Commissioners. One of the Additional Judicial Commissioners shall be a barrister of not less than five years' standing. All Regulations, Acts, notifications and rules now in force and applying to the Sadar Court of Sind shall, so far as they are not inconsistent with this Act or with any notifications or rules hereafter duly published or made, be deemed to apply also to the Court of the Judicial Commissioner.<br>"1A. The Judicial Commissioner and Additional Judicial Commissioners shall be appointed by the Local Government, by whom alone they shall be liable to be suspended or removed. They shall, within the District and Sessions Division of Karáchi, each of them exercise all the jurisdiction and have all the powers of a Judge of a District Court and of a Sessions Judge and all Regulations, Acts, notifications and rules now or hereafter in force and applying to the Judge of the District Court or Sessions Judge | Bombay Act I of 1906, section 2. |

*Repeals and Amendments effected by Bombay Acts, 1906*—continued.

| 1 | 2 | 3 | 4 | 5 |
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| Serial No. | Enactments affected. | Repeals. | Amendments. | Repealing or Amending Act. |
| 1 | Bombay Act XII of 1866 —*continued.* | | of Karáchi shall, so far as they are not inconsistent with this Act or with any notifications or rules hereafter duly published or made, be deemed to apply also to each such Judicial Commissioner and Additional Judicial Commissioner." | |
| | | ..... | *Section 2.*—After the word "and" the words "save as hereinbefore provided" are inserted. | Bombay Act I of 1906, section 3. |
| | | ..... | *Section 6.*—For the expression "Sadar Court" the expression "Court of the Judicial Commissioner" is substituted. | *Id.*, section 9 (2). |
| | | *Section 7.*—The whole section. | ..... | *Id.*, section 4. |
| | | ..... | For section 9 the following section is substituted :— | *Id.*, section 5. |
| | | | "9. (*1*) It shall be competent to the Commissioner in Sind to suspend or to remove from office for misbehaviour or neglect of duty any Judge of a Subordinate Court. | |
| | | | (*2*) It shall be competent to the Court of the Judicial Commissioner to suspend from office any Judge of a Subordinate Court pending inquiry into his conduct. | |
| | | | (*3*) Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Subordinate Judge under his control. But whenever the District Judge suspends any such Subordinate Judge he shall forthwith report the case to the Court of the Judicial Commissioner." | |
| | | ..... | After section 9 the following sections are inserted :— | Bombay Act I of 1906, section 6. |
| | | | "9A. In addition to any other powers to make rules expressly or by implication conferred by this or any other Act, the Court of the Judicial Commissioner may, with the sanction of the Local Government, from time to time make rules consistent with this Act and any other enactment for the time being in force | |
| | | | (*a*) for the exercise by one or more of the Judges of the said Court of the original and appellate jurisdiction vested in such Court : | |
| | | | provided that all appellate or revisional jurisdiction other than that of a District or Sessions Court shall be exercised by a Bench of not less than two Judges ; | |
| | | | (*b*) for the distribution of the civil and criminal business of the said Court, and | |

*Repeals and Amendments effected by Bombay Acts, 1906*—continued.

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| 1 | Bombay Act XII of 1866 —*continued.* | | (*c*) for the determination of the holidays and vacations of the said Court.<br>"9B. Section 575 of the Code of Civil Procedure shall not apply to the Court of the Judicial Commissioner. In that Court where any appeal is heard by a Bench of two or more Judges the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.<br>"Where there is no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed:<br>provided that where the Bench hearing the appeal is composed of two Judges and the Judges composing the Bench differ in opinion as to the decision then the appeal may, in the discretion of the Judicial Commissioner, be either referred to a third Judge or reheard by a Bench of at least three Judges; where the appeal is so referred or reheard, it shall be decided according to the opinion of the majority, if any, of the Judges who have heard it, or, where there is no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed.<br>"9C. Sections 378 and 429 of the Code of Criminal Procedure, 1898, shall not apply to the Court of the Judicial Commissioner. In that Court in a criminal matter where any appeal or any case submitted under section 374 of the Code of Criminal Procedure, 1898, is heard by a Bench of two Judges the appeal or case shall be decided in accordance with the opinion of such Judges, but where they differ the appeal or case shall, in the discretion of the Judicial Commissioner, be either referred to a third Judge and decided according to his opinion or, reheard by a Bench consisting of three Judges and decided according to the opinion of the majority of such Judges.<br>"9D. A Judge of the Court of the Judicial Commissioner shall, when sitting in a Bench of three or more Judges of that Court as provided in section 9B or section 9C, but not otherwise, be competent to try any appeal against a | |

*Repeals and Amendments effected by Bombay Acts, 1906*—continued.

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| 1 | Bombay Act XII of 1866 —*continued.* | ..... | judgment, decree or order passed by himself whether in a civil or criminal matter and to adjudicate upon any proceeding connected with, or arising out of, such judgment, decree or order notwithstanding anything contained in section 556 of the Code of Criminal Procedure, 1898.<br>"9E. The Court of the Judicial Commissioner shall record evidence in such manner as it by rule with the sanction of the Local Government from time to time directs. Section 182 of the Code of Civil Procedure and section 356 of the Code of Criminal Procedure, 1898, shall not apply to any proceedings in such Court after such rule has been sanctioned." | |
| | | | For section 10 the following section is substituted :—<br>"10. It shall be lawful for the Judicial Commissioner to appoint to the Court of the Judicial Commissioner and to the Subordinate Courts of the district of Karáchi, and for the Judge of a District Court of any other district to appoint to such Court, and to the Subordinate Courts of that district, so many and such officers as the Local Government, acting under the general control of the Government of India, shall from time to time direct, and, for misbehaviour or neglect of duty, to suspend or remove any such officer :<br>provided that no officer who is in receipt of a monthly salary amounting to thirty rupees shall be removed without the sanction of the Judicial Commissioner ;<br>and provided also that all messengers, peons and ministerial servants of a Subordinate Court may be appointed by the Judge of such Court and that all bailiffs, messengers, peons and ministerial servants of a Subordinate Court may be suspended or removed by the Judge of such Court, subject to appeal to the Judicial Commissioner in the case of the district of Karáchi and to the Judge of the District Court in the case of any other district. | Bombay Act of 1906, Section 7. |
| | | ..... | After section 15 the following section is inserted :—<br>"15A. (*1*) The Court of the Judicial Commissioner shall have general control over all Courts which may be subject to its appellate jurisdiction and may, with | *Id.*, section 8. |

*Repeals and Amendments effected by Bombay Acts, 1906*—continued.

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| 1 | Bombay Act XII of 1866—*continued.* | ..... | the sanction of the Local Government, make rules for the supervision of the working of such Courts and for their visitation and inspection.<br>(2) The Court of the Judicial Commissioner may, with similar sanction, make rules for the due exercise by the District Judges of the general control vested in them over all Civil Courts within their respective districts and for the visitation and inspection of such Courts by the District Judges or their assistants." | |
| | | ..... | *Section 16.*—For the expression "Sadar Court" the expression "Court of the Judicial Commissioner" is substituted. | Bombay Act I of 1906, section 9 (2). |
| | | ..... | *Section 17.*— *Id.* ... | *Id.* |
| | | ..... | For the proviso to section 21 the following proviso is substituted:<br>"provided that the Local Government may, by an order to be published in the *Bombay Government Gazette*, alter or rescind any such rules or extend all or any of the provisions of the Act to the whole or to any part of the said portion of the Province of Sind." | *Id.*, section 10. |
| | | ..... | For the expressions "Governor in Council" and "Governor General of India in Council," wherever they occur in the Act, the expressions "Local Government" and "Government of India" are respectively substituted. | *Id.*, section 9 (1). |
| 2 | The Mámlatdárs' Courts Act, 1876 (Bom. III of 1876). | The whole | ..... | Bombay Act II of 1906, section 2. |

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